



COMMUNITY DEVELOPMENT  
PLANNING DIVISION  
301 W. CHESTNUT  
planning@rogersar.gov  
(479) 621-1186

**OCTOBER 15, 2019**

**TO:** PLANNING COMMISSION  
DEVELOPMENT REVIEW COMMITTEE

**RE: STAFF SUMMARY REPORT**  
**APPEAL – LOT SPLIT & LINE ADJUSTMENT FOR ADOLFO & ROSA AVILA**

**STAFF:** ASHON ROBINSON, PLANNER I

**REQUEST INFORMATION:**

ADDRESS/LOCATION:	.91 ± acres on W. Olive St (507 & 513 W. Olive St)
NATURE OF APPEAL:	Staff denial per Sec. 14-578(c) based on requiring variances to be developable
REQUESTED VARIANCES:	Reduction of exterior side setbacks on Lot 2 from 20 feet to 14.6 feet, and reduction of front yard setbacks on Lot 2 from 20 feet to 18.4 feet.

**APPLICANT INFORMATION:**

APPLICANT/REPRESENTATIVE:	Caster & Associates Land Surveying, Inc. / Robert Caster
PROJECT OWNER/DEVELOPER:	Caster & Associates Land Surveying, Inc.
PROPERTY OWNER:	Adolfo & Rosa Avila
REQUEST:	Approval of lot split/line adjustment

**CITY INFORMATION:**

CGM GROWTH DESIGNATION:	Neighborhood
GROWTH DESIGNATION CHARACTER:	Single-use residential areas connected by collector and local streets that may feature community-oriented non-residential uses such as schools, resource centers, and places of worship. Goals include preserving locations for low-density residential while limiting its proliferation in areas proposed for higher-intensity development.
ZONING DISTRICT:	R-DP (Residential Duplex and Patio Home)
ZONING DISTRICT INTENT:	This district is intended to provide areas for the development of one- or two-family residential structures. The district may be located in developed areas or undeveloped areas of the City where an environment compatible with moderate density residential development can also be established. This zoning district replaces the former R-2, RMF 6A and 6B zoning districts.
AUTHORITY:	Sec. 14-578, Rogers Code of Ordinances



VICINITY MAP:





**BACKGROUND:**

- Staff issued a building permit on 3/20/2018 for construction of a new house at 513 W. Olive Street (Lot 2 of the subject lot split) based on R-DP zoning standards. At the time of building permit, the approved site plan was compliant with R-DP setbacks and other requirements.
- Upon provision of the subject lot split and property line adjustment survey, it was discovered that the house currently under construction is being built in violation of the required setbacks, specifically the front and exterior sides.
- Were the required variances requested and approved prior to construction of the house and not associated with a lot split request, then staff would have the ability to approve the proposed lot split and property line adjustment administratively.

**PLANNING REVIEW:**

1. **GENERAL FINDINGS:** Staff does not have the authority to approve the proposed lot split and lot line adjustment due to the request for variances from R-DP lot standards, and has therefore denied the subject request. Despite this, staff recommends approval of this appeal for the following reasons:
  - a) **Variances from R-DP Lot Standards:** The applicant requests a 5.4' exterior side setback reduction and a 1.6' front setback reduction for Lot 2. Regardless of the fact the builder has built the structure in violation of their building permit, staff acknowledges the site constraints presented by the exterior side setback and supports a reduction for the subject encroachment. However, this variance should have been requested prior to construction of the house. If the house were not already being built, staff would not support the front setback reduction since there is adequate rear yard on which to build.
2. **REPORTS FROM OTHERS:** The Planning Division has not received supporting or opposing comments to date.
3. **RECOMMENDATIONS:** The Planning Commission should always consider requests with regard to land use compatibility and the health, safety, and general welfare of the public in making their decision.
  - a) **Approve appeal of staff denial.**

**ENGINEERING REVIEW: N/A****STAFF SIGNATURES:**

ASHON ROBINSON, PLANNER I  
City of Rogers Planning Division



**SUGGESTED MOTIONS:**

1. FOR APPROVE: "Move to approve the appeal by Caster & Associates Land Surveying, Inc. to split and adjust the lot line for the subject properties as presented."
2. FOR APPROVE WITH CONDITIONS: "Move to approve the appeal by Caster & Associates Land Surveying, Inc. to split and adjust the lot line for the subject properties, subject to [conditions or contingencies]."
3. FOR DENY: "Move to deny the appeal as presented."
4. FOR TABLE: "Move to table the appeal [indefinite or date certain]."

**DIRECTOR'S COMMENTS:**

1. Agree with recommendations.



John McCurdy, Director  
City of Rogers Community Development

**TABS:**

1. Proposed plat
2. Maps and/or photos

CASTER & ASSOCIATES LAND SURVEYING, INC.  
2715 SE 'I' STREET, SUITE 5, BENTONVILLE, ARKANSAS 72712  
PH.(479) 268-4464

October 04, 2019

Dept. of Community Development  
City of Rogers  
301 W. Chestnut St.  
Rogers, AR 72756

RE: Avila Tract Split  
CityView Project #PL201900605

To whom it may concern,

During the course of the survey, it was revealed that the house under construction (Proposed Lot 2) and the house on Proposed Lot 1 do not meet the City setback requirements per Sec. 14-720(a) or (c). We request a variance for these lots in order to complete the Lot Split survey.

Respectfully,

A handwritten signature in black ink, appearing to read "Robert J. Caster", written in a cursive style.

Robert J. Caster, PLS